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7 *Attorneys for Plaintiff,*  
8 *Scott Wathey*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 Scott Wathey,

12  
13 Plaintiff,

14 vs.

15 Experian Information Solutions, Inc.,  
16 an Ohio corporation;  
17 Equifax Information Services, LLC,  
a Georgia corporation;  
18 Mountain America Federal Credit Union,  
19 a foreign corporation; and  
20 N.A.R., Inc., also known as North  
American Recovery, Inc.,  
21 a Utah corporation,

22 Defendants.  
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Case No.:

**COMPLAINT**

**JURY TRIAL DEMAND**

1 NOW COMES THE PLAINTIFF, SCOTT WATHEY, BY AND THROUGH  
2 COUNSEL, TRINETTE G. KENT, and for his Complaint against the Defendants,  
3  
4 pleads as follows:

5 **JURISDICTION**

- 6  
7 1. Jurisdiction of this court arises under 15 U.S.C. §1681p.  
8  
9 2. This is an action brought by a consumer for violation of the Fair Credit  
10 Reporting Act (15 U.S.C. §1681 et. seq [hereinafter “FCRA”]).

11 **VENUE**

- 12  
13 3. The transactions and occurrences which give rise to this action occurred in the  
14 City of Phoenix, Maricopa County, Arizona.  
15  
16 4. Venue is proper in the District of Arizona, Phoenix Division.

17 **PARTIES**

- 18  
19 5. The Defendants to this lawsuit are:  
20 a. Experian Information Solutions, Inc. (“Experian”), which is an Ohio  
21 company that maintains a registered agent in Maricopa County, Arizona;  
22  
23 b. Equifax Information Services, LLC (“Equifax”), which is a Georgia  
24 corporation that maintains registered agent in Maricopa County, Arizona;  
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1 c. Mountain America Federal Credit Union (“Mountain America”), which  
2 is a foreign entity which, upon information and belief, maintains offices  
3 in Utah; and  
4

5 d. N.A.R., Inc., also known as North American Recovery, Inc. (“N.A.R.”),  
6 which is a Utah corporation that maintains its registered agent in  
7 Maricopa County, Arizona.  
8

9 **GENERAL ALLEGATIONS**

- 10 6. Mountain America is reporting a trade line with account number  
11 4274897XXXX (“Errant Trade Line Number 1”) on Plaintiff’s Experian and  
12 Equifax (collectively "Credit Reporting Agencies" or "CRAs") credit files with  
13 a balance \$8,909.00. Concurrently, N.A.R. is also reporting a similar trade line  
14 with account number 39656400584569 (“Errant Trade Line Number 2”) related  
15 to the same debt, in the amount of \$8,910.00 on Plaintiff’s consumer credit files  
16 with the CRAs. This double reporting of the same negative information is  
17 improperly and negatively affecting the Plaintiff’s credit score. This practice  
18 violates the Fair Credit Reporting Act.  
19  
20 7. Sometime in September of 2014, Mr. Wathey submitted letters to Experian and  
21 Equifax, disputing the double reporting of these trade lines.  
22  
23 8. Upon information and belief, Defendants Experian and Equifax transmitted Mr.  
24 Wathey’s consumer disputes to Mountain America and N.A.R.  
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1 9. On or about November 21, 2014, Plaintiff obtained his credit files, which  
2 revealed the continued double reporting of both Errant Trade Lines.  
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4 10. On or about January 20, 2015, Plaintiff submitted another dispute letter to both  
5 Equifax and Experian, disputing the duplicate trade lines.  
6

7 11. Upon information and belief, Defendants Experian and Equifax transmitted Mr.  
8 Wathey's second consumer disputes to Mountain America and N.A.R.  
9

10 12. On or about February 2, 2015, Mr. Wathey received two letters from Experian.

11 The first one stated "We are responding to your request to verify items on your  
12 personal credit report. We have previously processed this dispute and the credit  
13 grantor has verified its accuracy....Pursuant to Section 611(a)(3)(A) of the  
14 FCRA, we will not reinvestigate the same dispute again at this time..." The  
15 second letter retained the duplicate trade lines.  
16

17 13. On or about February 3, 2015, Mr. Wathey received yet a third letter from  
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19 Experian stating, "We received a suspicious request regarding your personal  
20 credit information that we have determined was not sent by you. This could be  
21 deemed as deceptive or fraudulent use of your information. We have not taken  
22 any action on this request. Any further requests made in this matter will not be  
23 processed and will not receive a response."  
24

25 14. On or about March 20, 2015, Mr. Wathey obtained his credit files from  
26

27 Experian and Equifax which both retained the duplicate Errant Trade Lines.  
28

**COUNT I**

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY MOUNTAIN AMERICA**

15.Plaintiff realleges the above paragraphs as if recited verbatim.

16.After being informed by Experian and Equifax of Mr. Wathey's consumer disputes to Errant Trade Line Number 1, Mountain America negligently failed to conduct a proper reinvestigation of Mr. Wathey's disputes as required by 15 USC 1681s-2(b).

17.Mountain America negligently failed to review all relevant information available to it and provided by Experian and Equifax in conducting its reinvestigation as required by 15 USC 1681s-2(b). Specifically, it failed to direct Experian and Equifax to remove Errant Trade Line Number 1.

18. Errant Trade Line Number 1 is inaccurate and creates a misleading impression on Mr. Wathey's consumer credit file with Experian and Equifax to which it is reporting such trade line.

19.As a direct and proximate cause of Mountain America's negligent failure to perform its duties under the FCRA, Mr. Wathey has suffered damages, mental anguish, suffering, humiliation, and embarrassment.

20.Mountain America is liable to Mr. Wathey by reason of its violations of the FCRA in an amount to be determined by the trier fact together with reasonable attorneys' fees pursuant to 15 USC 1681o.

1 21.Mr. Wathey has a private right of action to assert claims against Mountain  
2 America arising under 15 USC 1681s-2(b).  
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5 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
6 against Mountain America for damages, costs, interest, and attorneys' fees.  
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8 **COUNT II**

9 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
10 **BY MOUNTAIN AMERICA**

11 22.Plaintiff realleges the above paragraphs as if recited verbatim.  
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13 23.After being informed by Experian and Equifax that Mr. Wathey disputed the  
14 accuracy of the information it was providing, Mountain America willfully failed  
15 to conduct a proper reinvestigation of Mr. Wathey's dispute.  
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17 24.Mountain America willfully failed to review all relevant information available  
18 to it and provided by Experian and Equifax as required by 15 USC 1681s-2(b).  
19

20 25.As a direct and proximate cause of Mountain America's willful failure to  
21 perform its respective duties under the FCRA, Mr. Wathey has suffered  
22 damages, mental anguish, suffering, humiliation, and embarrassment.  
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24 26.Mountain America is liable to Mr. Wathey for either statutory damages or  
25 actual damages he has sustained by reason of its violations of the FCRA in an  
26 amount to be determined by the trier fact, together with an award of punitive  
27 damages in the amount to be determined by the trier of fact, as well as for  
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1 reasonable attorneys' fees that he may recover therefore pursuant to 15 USC  
2 1681n.  
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4  
5 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
6 against Mountain America for the greater of statutory or actual damages, plus punitive  
7 damages, along with costs, interest, and attorneys' fees.  
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10 **COUNT III**

11 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
12 **BY N.A.R.**

13 27.Plaintiff realleges the above paragraphs as if recited verbatim.

14 28.After being informed by Experian and Equifax of Mr. Wathey's consumer  
15 disputes to Errant Trade Line Number 2, N.A.R. negligently failed to conduct a  
16 proper reinvestigation of Mr. Wathey's disputes as required by 15 USC 1681s-  
17 2(b).  
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20 29.N.A.R. negligently failed to review all relevant information available to it and  
21 provided by Experian and Equifax in conducting its reinvestigation as required  
22 by 15 USC 1681s-2(b). Specifically, it failed to direct Experian and Equifax to  
23 remove Errant Trade Line Number 2.  
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1 30. Errant Trade Line Number 2 is inaccurate and creates a misleading impression  
2 on Mr. Wathey's consumer credit file with Experian and Equifax to which it is  
3 reporting such trade line.  
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5 31. As a direct and proximate cause of N.A.R.'s negligent failure to perform its  
6 duties under the FCRA, Mr. Wathey has suffered damages, mental anguish,  
7 suffering, humiliation, and embarrassment.  
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9 32. N.A.R. is liable to Mr. Wathey by reason of its violations of the FCRA in an  
10 amount to be determined by the trier of fact together with reasonable attorneys'  
11 fees pursuant to 15 USC 1681o.  
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13 33. Mr. Wathey has a private right of action to assert claims against N.A.R. arising  
14 under 15 USC 1681s-2(b).  
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17 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
18 against N.A.R. for damages, costs, interest, and attorneys' fees.  
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20 **COUNT IV**

21 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
22 **BY N.A.R.**  
23

24 34. Plaintiff realleges the above paragraphs as if recited verbatim.

25 35. After being informed by Experian and Equifax that Mr. Wathey disputed the  
26 accuracy of the information it was providing, N.A.R. willfully failed to conduct  
27 a proper reinvestigation of Mr. Wathey's dispute.  
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1 36.N.A.R. willfully failed to review all relevant information available to it and  
2 provided by Experian and Equifax as required by 15 USC 1681s-2(b).  
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4 37.As a direct and proximate cause of N.A.R.'s willful failure to perform its  
5 respective duties under the FCRA, Mr. Wathey has suffered damages, mental  
6 anguish, suffering, humiliation, and embarrassment.  
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8 38.N.A.R. is liable to Mr. Wathey for either statutory damages or actual damages  
9 he has sustained by reason of its violations of the FCRA in an amount to be  
10 determined by the trier of fact, together with an award of punitive damages in the  
11 amount to be determined by the trier of fact, as well as for reasonable attorneys'  
12 fees that he may recover therefore pursuant to 15 USC 1681n.  
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16 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
17 against N.A.R. for the greater of statutory or actual damages, plus punitive damages,  
18 along with costs, interest, and attorneys' fees.  
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**COUNT V**

**NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY EQUIFAX**

39.Plaintiff realleges the above paragraphs as if recited verbatim.

40.Defendant Equifax prepared, compiled, issued, assembled, transferred,  
published, and otherwise reproduced consumer reports regarding Mr. Wathey as  
that term is defined in 15 USC 1681a.

41.Such reports contained information about Mr. Wathey that was false,  
misleading, and inaccurate.

42.Equifax negligently failed to maintain and/or follow reasonable procedures to  
assure maximum possible accuracy of the information it reported to one or  
more third parties pertaining to Mr. Wathey, in violation of 15 USC 1681e(b).

43. After receiving Mr. Wathey's consumer disputes to the Errant Trade Lines,  
Equifax negligently failed to conduct a reasonable reinvestigation as required  
by 15 U.S.C. 1681i.

44.As a direct and proximate cause of Equifax's negligent failure to perform its  
duties under the FCRA, Mr. Wathey has suffered actual damages, mental  
anguish and suffering, humiliation, and embarrassment.

45.Equifax is liable to Mr. Wathey by reason of its violation of the FCRA in an  
amount to be determined by the trier fact together with his reasonable attorneys'  
fees pursuant to 15 USC 1681o.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment against Equifax for actual damages, costs, interest, and attorneys' fees.

**COUNT VI**

**WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT  
BY EQUIFAX**

46. Plaintiff realleges the above paragraphs as if recited verbatim.

47. Defendant Equifax prepared, compiled, issued, assembled, transferred, published, and otherwise reproduced consumer reports regarding Mr. Wathey as that term is defined in 15 USC 1681a.

48. Such reports contained information about Mr. Wathey that was false, misleading, and inaccurate.

49. Equifax willfully failed to maintain and/or follow reasonable procedures to assure maximum possible accuracy of the information that it reported to one or more third parties pertaining to Mr. Wathey, in violation of 15 USC 1681e(b).

50. After receiving Mr. Wathey's consumer disputes to the Errant Trade Lines, Equifax willfully failed to conduct a reasonable reinvestigation as required by 15 U.S.C. 1681i.

1 51.As a direct and proximate cause of Equifax's willful failure to perform its duties  
2 under the FCRA, Mr. Wathey has suffered actual damages, mental anguish and  
3 suffering, humiliation, and embarrassment.  
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5 52.Equifax is liable to Mr. Wathey by reason of its violations of the FCRA in an  
6 amount to be determined by the trier of fact together with his reasonable  
7 attorneys' fees pursuant to 15 USC 1681n.  
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10 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
11 against Equifax for the greater of statutory or actual damages, plus punitive  
12 damages, along with costs, interest, and attorneys' fees.  
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15 **COUNT VII**

16 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
17 **BY EXPERIAN**

18 53.Plaintiff realleges the above paragraphs as if recited verbatim.  
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20 54.Defendant Experian prepared, compiled, issued, assembled, transferred,  
21 published, and otherwise reproduced consumer reports regarding Mr. Wathey as  
22 that term is defined in 15 USC 1681a.  
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24 55.Such reports contained information about Mr. Wathey that was false,  
25 misleading, and inaccurate.  
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1 56.Experian negligently failed to maintain and/or follow reasonable procedures to  
2 assure maximum possible accuracy of the information it reported to one or  
3 more third parties pertaining to Mr. Wathey, in violation of 15 USC 1681e(b).  
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5 57. After receiving Mr. Wathey's consumer disputes to the Errant Trade Lines,  
6 Experian negligently failed to conduct a reasonable reinvestigation as required  
7 by 15 U.S.C. 1681i.  
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9 58.As a direct and proximate cause of Experian's negligent failure to perform its  
10 duties under the FCRA, Mr. Wathey has suffered actual damages, mental  
11 anguish and suffering, humiliation, and embarrassment.  
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13 59.Experian is liable to Mr. Wathey by reason of its violation of the FCRA in an  
14 amount to be determined by the trier fact together with his reasonable attorneys'  
15 fees pursuant to 15 USC 1681o.  
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19 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
20 against Experian for actual damages, costs, interest, and attorneys' fees.  
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22 **COUNT VIII**

23 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
24 **BY EXPERIAN**

25 60.Plaintiff realleges the above paragraphs as if recited verbatim.  
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1 61. Defendant Experian prepared, compiled, issued, assembled, transferred,  
2 published, and otherwise reproduced consumer reports regarding Mr. Wathey as  
3 that term is defined in 15 USC 1681a.  
4

5 62. Such reports contained information about Mr. Wathey that was false,  
6 misleading, and inaccurate.  
7

8 63. Experian willfully failed to maintain and/or follow reasonable procedures to  
9 assure maximum possible accuracy of the information that it reported to one or  
10 more third parties pertaining to Mr. Wathey, in violation of 15 USC 1681e(b).  
11

12 64. After receiving Mr. Wathey's consumer disputes to the Errant Trade Lines,  
13 Experian willfully failed to conduct a reasonable reinvestigation as required by  
14 15 U.S.C. 1681i.  
15

16 65. As a direct and proximate cause of Experian's willful failure to perform its  
17 duties under the FCRA, Mr. Wathey has suffered actual damages, mental  
18 anguish and suffering, humiliation, and embarrassment.  
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20 66. Experian is liable to Mr. Wathey by reason of its violations of the FCRA in an  
21 amount to be determined by the trier of fact together with his reasonable  
22 attorneys' fees pursuant to 15 USC 1681n.  
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## JURY DEMAND

DATED: April 6, 2015

By: /s/ Trinette G. Kent  
 Trinette G. Kent  
 Attorneys for Plaintiff,  
 Scott Wathey

